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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,186	05/23/2000	Kia Silverbrook	NPA020US	9156
24011	7590	04/22/2005	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			JUNG, DAVID YIUK	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/575,186	SILVERBROOK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David Y. Jung	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 February 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-45 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-45 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-45 are presented.

#### ***Response to Arguments***

Applicant's arguments filed have been fully considered but they are not persuasive. What is coded data? How is coded data different from another type of information? Applicant may have meant something different from information (such as encrypted data) but Applicant has yet to claim such.

Applicant is requested to explain or to amend regarding this situation.

### **CLAIM REJECTIONS**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cass (cited by Applicant, US Patent 5,692,073).

Regarding claim 1, Cass teaches A method of enabling the creation and use of a ... album (see Figure 21), the method including the steps of:

providing a ... album user with at least one ... album form printed on a surface, the ... album form containing information relating to a ... album activity and including coded data indicative of an identity of the ... album form and of at least one reference point of the ... album form (column 17, lines 3-49, i.e. views 1-4 showing how user is presented with such images);

receiving, in a computer system, indicating data from a sensing device operated by said user, said indicating data regarding the identity of the ... album form and a position of the sensing device relative to the ... album form, the sensing device, when placed in an operative position relative to the ... album form, generating the indicating data by sensing at least some of the coded data (column 17, lines 3-49, i.e. views 1-4 showing how user is presented with such images – especially how the user inputs marks so as to let the device sense the marks); and

identifying in the computer system and from the indicating data, at least one parameter relating to the ... album activity (column 17, lines 3-49, i.e. views 1-4 showing how user is presented with such images – especially how the user inputs marks so as to let the system identify).

These passages of Cass are not clear as to images can be "photo."

Nevertheless, it was well known in the art to use such "photo" as an image for the motivation of accommodating a photographic camera.

It would have been obvious at the time of the claimed invention to have such "photo" combined with the teachings of Cass so as to teach the claimed invention for the motivation noted in the previous paragraphs.

Regarding claim 2, such parameter handling is noted at Cass (column 17, lines 3-49, i.e. marks). Regarding claims 3-25, such particular image (and photo) handlings are well known in the art for the motivation of providing convenient user access.

Regarding claim 26, Cass teaches A system for enabling the creation and use of a ... album, the system including:

at least one ... album form printed on a surface, the ... album form containing information relating to a ... album activity and including coded data indicative of an identity of the ... album form and of at least one reference point of the ... album form (column 17, lines 3-49, i.e. views 1-4 showing how user is presented with such images); and

a computer system for receiving indicating data from a sensing device operated by a user involved in the ... album activity; said indicating data regarding the identity of the ... album form and a position of the sensing device relative to the ... album form, the sensing device, when placed in an operative position relative to the ... album form, sensing the indicating data using at least some of the coded data, said computer system including means for identifying, from the indicating data, at least one parameter relating to the ... album activity (column 17, lines 3-49, i.e. views 1-4 showing how user is presented with such images).

These passages of Cass are not clear as to images can be "photo."

Nevertheless, it was well known in the art to use such "photo" as an image for the motivation of accommodating a photographic camera.

It would have been obvious at the time of the claimed invention to have such "photo" combined with the teachings of Cass so as to teach the claimed invention for the motivation noted in the previous paragraphs.

Regarding claims 27-28, such particular image (and photo) handlings are well known in the art for the motivation of providing convenient user access.

Regarding claim 29, Cass teaches A system for enabling the creation and use of a ... album, the system including:

at least one ... album form printed on a surface, the ... album form containing information relating to a ... album activity and including coded data indicative of at least one parameter of the ... album activity (column 17, lines 3-49, i.e. views 1-4 showing how user is presented with such images); and

a computer system for receiving data from a sensing device operated by the user involved in the ... album activity, said data regarding movement of the sensing device relative to the ... album form, and for interpreting said movement of the sensing device as it relates to said at least one parameter, the sensing device, when moved relative to the ... album form, sensing the data regarding said at least one parameter using at least some of the coded data and generating the data regarding its own movement relative to the ... album form . (column 17, lines 3-49, i.e. views 1-4 showing how user is presented with such images).

These passages of Cass are not clear as to images can be "photo."

Nevertheless, it was well known in the art to use such "photo" as an image for the motivation of accommodating a photographic camera.

It would have been obvious at the time of the claimed invention to have such "photo" combined with the teachings of Cass so as to teach the claimed invention for the motivation noted in the previous paragraphs.

Regarding claims 30-45, such particular image (and photo) handlings are well known in the art for the motivation of providing convenient user access.

***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 746-7239, (for formal communications intended for entry)

**Or:**

(703) 746-5606 (for informal or draft communications, please label "PROPOSED"  
or "DRAFT").

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to David Jung whose telephone number is (571) 272-3836  
or Greg Morse whose telephone number is (571) 272-3838.

Art Unit: 2134

David Jung

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A handwritten signature consisting of a stylized oval on the left, followed by a series of wavy, horizontal strokes extending to the right.

Patent Examiner

4/18/05